THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.1266 of 2006

-

Dated:01.02.2006

Between:

Saragadam Ramachandra Rao, S/o. Naidu,
R/o. b.C. Colony, Pendurthy,
Visakhapatnam District, and another.

..... PETITIONERS

AND

The District Collector, Visakhapatnam District, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1266 of 2006

ORDER:

The two petitioners are residents of Pendurthy Village, Visakhapatnam District. They were assigned house sites admeasuring 60 square yards each in Survey No.227, a part of B.C.Colony, Pendurthi Village. They took possession of the house sites and raised residential houses. On an allegation that the petitioners obtained house site pattas by making misrepresentation, and that they are not economically backward class people, action was initiated for cancellation of the allotment of house sites. In view of this, when the petitioners commenced construction of bathrooms and toilets, the third respondent prevented them from proceeding further. Therefore, they filed the instant writ petition, *inter alia,* seeking a direction to the third respondent to permit them to construct bathrooms and toilets in houses bearing Nos.10-49/1 and 10-49/2.

After getting instructions in the matter the learned Standing Counsel for the third respondent submits that the enquiry for cancellation of house site pattas is in progress and if at this stage the petitioners are permitted to make further constructions, the same would be illegal. The learned Counsel for the petitioners does not dispute that the enquiry is pending for cancellation of the house site pattas. Therefore, instead of acceding to the request of the petitioners, the petitioners are

given liberty to approach the second respondent and obtain appropriate orders for construction of bathrooms and toilets. Their request may be considered as and when an application is made. If ultimately the assignment of house site pattas is cancelled, the petitioners shall have to remove the entire construction from the land.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

01.02.2006

vs